

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JAN 11 1990

Returned to applicant for correction _____

Corrected application filed _____ Map filed JAN 11 1990 under 53860

The applicant the Nature Conservancy

1244 Pine Street of Boulder
Street and No. or P.O. Box No. City or Town

Colorado 80302 hereby make application for permission to change the
State and Zip Code No.

Place of Use of a portion and the manner of use
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Truckee Carson Irrigation District Serial Nos. 854-3
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
and 455; United States of America v. Orr Ditch Co. in Equity N. A-3, Claim No. 3;
identify right in Decree.)

United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT; both in
the Federal District Court of Nevada

1. The source of water is Truckee River and Carson River
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 226.04 acre feet
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Maintenance of Wetlands for Recreation and Wildlife/Storage
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for as decreed
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point Derby Dam being within N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 19
Describe as being within a 40-acre subdivision of public survey and by course and
T20N R23E, M.D.B.&M. and Lahontan Dam being within SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T19N, R26E,
distance to a section corner. If on unsurveyed land, it should be stated.
M.D.B.&M.
6. The existing permitted point of diversion is located within No change
If point of diversion is not changed, do not answer.
7. Proposed place of use See addendum
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use Within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 31, T20N, R28E and N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 6,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
T19N, R28E, M.D.B.&M.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from as decreed to _____ of each year.
Month and Day Month and Day
10. Use was permitted from as decreed to _____ of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) no new diversion or storage works on the
State manner in which water is to be diverted, i.e. diversion structure, ditches,
Truckee River and the Carson River will be constructed
pipes and flumes, or drilled well, etc.
12. Estimated cost of works N/A
13. Estimated time required to construct works N/A

14. Estimated time required to complete the application of water to beneficial use..... 1 year
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

See Addendum and Exhibits

s/Robert Wigington
By The Nature Conservancy, Applicant
1244 Pine Street, Boulder, CO 80302

Compared... pm/ se bp/se

Protested... 3/23/90 by T.C.I.D. W/D 8/6/90

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit is also issued for the net consumptive use pursuant to Article VII in the United States of America vs. Alpine Land and Reservoir Company, et. al., D.C. No. D-183 BRT. The net consumptive use is determined to be 2.99 acre feet per acre of land removed from irrigation.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued pursuant to NRS 533.370, subsection 1(b).

This permit is also issued subject to the agreement executed by the Truckee-Carson Irrigation District, U.S. Fish & Wildlife Service and the Nature Conservancy dated June 28, 1990.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 1.52cubic feet per second., but not to exceed 226.04acre feet as decreed.....

Work must be prosecuted with reasonable diligence and be completed on or before..... April 18, 1992

Proof of completion of work shall be filed before..... May 18, 1992

Application of water to beneficial use shall be made on or before..... April 18, 1995

Proof of the application of water to beneficial use shall be filed on or before..... May 18, 1995

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... JAN 30 1992 IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E.

Proof of beneficial use filed..... MAY 22 1995 State Engineer of Nevada, have hereunto set my hand and the seal of

my office, this..... 29thday of..... August.....

Cultural map filed.....

Certificate No. 14885 Issued APR 13 1998

A.D. 19.. 90



ADDENDUM TO APPLICATION TO TRANSFER PORTIONS OF
NEWLANDS PROJECT WATER RIGHT
TCID SERIAL NOS. 854-3 AND 455

1. The proposed place of use consists of 56,720 acres more or less in:

All of sections 2 through 11; 14 through 22; 27 through 34, T21N, R32E;

All of sections 1 through 3; 10 through 15; 22 through 27; 34 through 36, T21N, R31E;

All of sections 3 through 10; 16 through 21; 29; 30, T20N, R32E;

All of section 1; section 2, W1/2, E1/2SE1/4, W1/2NE1/4, NE1/4NE1/4; all of sections 11 through 14; section 22, E1/2; all of sections 23 through 26; section 27, E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4; section 28, E1/2SE1/4; section 33, E1/2, E1/2SW1/4, SE1/4NW1/4; all of sections 34 through 36, T20N, R31E;

All of sections 2 and 3; section 4, E1/2, E1/2NW1/4, E1/2SW1/4, SW1/4SW1/4; all of sections 9 through 11; 14 through 16; section 17, E1/2, SW1/4, NE1/4NW1/4; all of sections 20 through 22, T19N, R31E; M.D.B & M.

2. Applicant seeks the approval of the State Engineer to cease the delivery of up to 226.04 acre feet (2.99 acre feet per acre x 75.60 acres recognized in the 1987 baseline for the Operating Criteria and Procedures for the Newlands Project adopted on April 14, 1988 out of 87.30 water righted acres) at the turnout for the existing place of use, to deliver up to that amount to a turnout on the "S" Line of the Newlands Project or other point of delivery, and alternatively to use that amount for the maintenance of wetlands for recreation and wildlife at various places within the 56,720 acre (more or less) proposed place of use at the Stillwater National Wildlife Refuge and Management Area or to store it in various ponds and reservoirs in that area for such use at a later time.

3. Applicant expressly reserves the right to transfer in a later proceeding 1.51 acre feet for each of the 75.60 acres in the 1987 OCAP Baseline and 4.5 acre feet for each of the remaining 11.7 water righted acres at the existing place of use.

EXHIBITS TO APPLICATION TO TRANSFER PORTIONS OF
NEWLANDS PROJECT WATER RIGHTS
TCID SERIAL NOS. 854-3 AND 455

- A. Water Right Surveyor Map of Existing Place of Use.
- B. U.S. Bureau of Reclamation Map of Existing Place of Use.
- C. Concurrence of U.S. Fish and Wildlife Service.
- D. Concurrence of Nevada Department of Wildlife.